

RECEIVED

IN THE MATTER OF
DAVID M. ROMBRO, P.D.
LICENSE NO. 5338

* BEFORE THE
* STATE BOARD OF PHARMACY
*

OCT 23 1990

Office of
The Attorney General
Department of Health and Mental Hygiene

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State of Pharmacy (the "Board") and subject to Health Occupations Article, Section 12-312, Annotated Code of Maryland (the "Act"), the Board charged David M. Rombro, P.D., (the "Respondent"), with violation of certain provisions of Maryland Health Occupations Article, Section 12-311(b)(3), (15) and (16).

Specifically, the Board charges the Respondent with violation of the following conditions:

- (b) In general. Subject to the hearing provisions of Section 12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee;
- (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist;
- (15) Except as provided in Section 12-512 of this title, unless an authorized prescriber authorizes the refill in the original prescription or by oral order, refills a prescription for any drug for which a prescription is required;
- (16) Violates any provision of Section 12-510 of this title, which concerns the labeling requirements for prescription medicines;

The Respondent was given notice of the charges and issues underlying those charges by letter and charging documents sent to Respondent on August 3, 1990. A prehearing conference on those

charge was held on August 29, 1990 and was attended by Steven Cohen, P.D., President of the Board, and Roslyn Scheer, Executive Director of the Board. Also in attendance were the Respondent and his attorney, Paul Walter, Esquire, and the Administrative Prosecutor, Roberta L. Gill.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. The parties and the Board agreed that the Respondent will admit violations of Section 12-311(b)(3) that the Board will make the following findings of fact and conclusions of law; and that the Board will dismiss the remaining charges of Section 12-311(b)(15) and (16). The Board will place the Respondent on probation subject to the condition that the Respondent develop and present to the Board a manual of written policies and procedures concerning the administration of a safe pharmacy including the proper labeling of drugs, expired drugs, card checking; monitoring procedures must also be included to assure the Board that these policies and procedures are adhered to. Said manual is to be submitted to Ms. Roslyn Scheer, Executive Director, Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215 on or before December 31, 1990. If the said manual is done within the stated time and to the reasonable satisfaction of the Board, the record of these proceedings shall be expunged.

FINDINGS OF FACTS

The Board finds that:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland and is the Chief Executive Officer of Institutional Pharmacy Services, Inc., (IPS), a corporation that operates a pharmacy business in Maryland.

2. A joint inspection of said pharmacy by the Division of Drug Control and the Board of Pharmacy of the State Department of Health and Mental Hygiene on December 22, 1989 revealed that medication cassettes for delivery to nursing homes had been checked by technicians and not by pharmacists as required. An unlicensed pharmacist was performing duties that should have been performed by a licensed pharmacist. Furthermore, a prescription taken over the telephone was in the handwriting of a technician who admitted that she had taken the prescription over the telephone. Some outpatient prescriptions had the initials of technicians on them with no indication that a pharmacist had checked the prescription. Finally, Respondent admitted that on an ongoing basis in 1989, a technician had checked medication cassettes for nursing homes.

3. All the above as done in violation of the Act and posed a potential threat to the public's health and safety.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent violated Section 12-311(b)(3):

- (b) In general. Subject to the hearing provisions of Section 12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee;
- (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17th day of OCTOBER, 1990, by a majority of a quorum of the Board,

ORDERED that the Respondent be placed on probation subject to the following conditions:

1. The Board will place the Respondent on probation subject to the condition that the Respondent develop and present to the Board a manual of written policies and procedures concerning the administration of a safe pharmacy including the proper labeling of drugs, expired drugs and card checking; monitoring procedures must also be included to assure the Board that these policies and procedures are adhered to.
2. Said manual is to be submitted to Ms. Roslyn Scheer, Executive Director, Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215 on or before December 31, 1990.

ORDERED that this is a final Order and as such is a public document pursuant to Section 10-611 et seq. of the State Government Article, Annotated Code of Maryland.

ORDERED that if the aforesaid conditions of probation are completed by Respondent to the reasonable satisfaction of the Board, the record of these proceedings shall be expunged as of December 31, 1990.



Steven X.S. Cohen, P.D.
President, Board of Pharmacy

CONSENT OF DAVID M. ROMBRO

I, David M. Rombro, by affixing my signature hereto, acknowledge that:

1. I am represented by Paul Walter, Esquire, and I have had the opportunity to consult with counsel before signing this document;

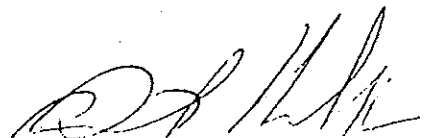
2. I am aware that without my consent, my license to practice Pharmacy in this State cannot be limited except pursuant to the provisions of Section 12-312 of the Act and Section 10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in Section 12-312 of the Act and Section 10-205 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland and any right to appeal as set forth in Section 12-313 of the Act and Section 10-205 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

Date

12/31/90



David M. Rombro

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 3rd day of October
1990, a Notary Public of the State of Maryland and (City/County),
Baltimore, personally appeared David M. Rombro,
P.D., License No. 5338, and made oath in due form of law that
signing the foregoing consent Order was his voluntary act and
deed, and the statements made herein are true and correct.

A WITNESSETH my hand and notarial seal.

Susan V. Grootman
Notary Public

My Commission Expires: Dec 1, 1991